

REMARKS

Claims 1, 4, and 5 are all the claims pending in the application.

The specification has been amended as required by the Examiner. Claim 1 is amended as shown above. This amendment is supported by, for example, original claim 1 and page 3, line 13 through page 4, line 12 of the specification. Entry of this amendment is respectfully requested.

The specification has been objected to as containing new matter because of the incorporation by reference in the first line of the specification.

In response, applicants have amended the specification to delete incorporation by reference. Accordingly, applicants request withdrawal of the objection.

Claims 1, 4, and 5 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication 2003/0092819 to Miyatake et al.

Applicants respectfully traverse as follows.

Applicants submit that Miyatake et al do not disclose or render obvious the subject matter of claims 1, 4, and 5, and accordingly request withdrawal of this rejection.

Claim 1 and claims 4 and 5 dependent thereon recite a rubber-modified styrene resin comprising 99.9 to 97% by weight of a rubber-modified styrene resin (E) and 0.1 to 3% by weight of a polyorganosiloxane-containing graft polymer (D). The polyorganosiloxane-containing graft copolymer (D) is a copolymer (a-1) containing 86 to 94.99 parts by weight of polyorganosiloxane (A), a polymer prepared by polymerizing, in the presence of the

polyorganosiloxane (A), 0.01 to 5 parts by weight of a monomer (B), and a polymer prepared by polymerizing, in the presence of the polyorganosiloxane (A) and the polymer of monomer (B), 5 to 13.99 parts by weight of a vinyl monomer (C). Monomer (B) consists of 100 to 50 percent by weight of a polyfunctional monomer (b-1) having at least two polymerizable unsaturated bonds in its molecule and 0 to 50 percent by weight of another copolymerizable monomer (b-2). The sum of the compounds (A), (B), and (C) is 100 parts by weight.

The Miyatake et al publication discloses a rubber-modified resin and a thermoplastic resin composition containing the same. The rubber-modified resin of Miyatake et al is a resin obtained by polymerizing a vinyl monomer in the presence of (A) a silicone rubber latex and (B) an acrylic rubber latex. Thus, Miyatake et al require the presence of an acrylic rubber. The presently claimed invention, however, excludes acrylate rubber.

Further, the present claims recite weight ranges for various components. The Examiner recognizes that Miyatake et al do not disclose the combination of ranges set forth in the present claims, but argues that it would have been obvious to select from the various choices set forth in Miyatake et al to arrive at applicants' composition. Applicants submit that this reasoning of the Examiner is based on hindsight, since there is no disclosure or suggestion in Miyatake et al to make all of the choices that would arrive at the combination set forth in the present claims. Applicants submit that the Examiner is selecting various portions of the teachings of Miyatake et al based on the disclosure of the present application, and then combining these disclosures based on the disclosure of the present application, and that there is no teaching or disclosure in Miyatake et al to make these selections and combinations to arrive at the present invention.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/559,666

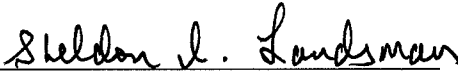
Attorney Docket No.: Q91463

In view of the above, applicants submit that Miyatake et al do not disclose or render obvious the subject matter of claims 1, 4, and 5, and accordingly request withdrawal of this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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